

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Commodity Futures Trading Commission,

Plaintiff,

05-Civ-8374-KMK

- against -

**CLERK'S CERTIFICATE**

Bayou Management LLC, *et al*,

Defendants.  
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I, J. MICHAEL MCMAHON, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on September 29, 2005, with the filing of a summons and complaint, the summons and complaint were served on defendant Daniel Marino via his attorney Andrew Bowman, per agreement, on October 19, 2005, and on defendant Richmond Fairfield Associates, Certified Public Accountants PLLC via its managing member, Daniel E. Marino via his attorney Andrew Bowman, per agreement, on October 19, 2005. The proof of service for both defendants was filed with the Clerk of Court on October 26, 2005. I further certify that the docket entries indicate that the defendants Daniel Marino and Richmond Fairfield Associates, Certified Public Accountants PLLC have not filed an answer or otherwise moved with respect to the complaint herein. The default of the defendants Daniel Marino and Richmond Fairfield Associates, Certified Public Accountants PLLC is hereby noted.

Dated: White Plains, New York

October 2, 2007

J. MICHAEL MCMAHON  
Clerk of the Court

By

Hallejeanne Carson  
Deputy Clerk